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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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WALTER E. WHITCOMB
COMMISSIONER

PERMIT

AMENDMENT A TO DEVELOPMENT PERMIT DP 4954 RECREATIONAL LODGING FACILITY

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by the Appalachian Mountain Club for Amendment A to Development Permit DP 4954, finds the following facts:

1. Applicant: AMC Maine Woods II, Inc. (AMC)
5 Joy Street
Boston, MA 02108
2. Agent: Dan Rinard
PO Box 310
Greenville, Maine 04441
3. Date of Completed Application: August 4, 2015
4. Location of Proposal: AMC's Medawisla Wilderness Lodge on Second Roach Pond
Shawtown (TA R12 WELS), Plan 01, Lots 1 & 1.4
T1 R12 WELS, Plan 01, Lots 2.1, 2.2 & 2.3
Piscataquis County
5. Zoning: (D-RF) Recreation Facility Development Subdistrict
(P-GP) Great Pond Protection Subdistrict
(P-WL1) Wetland Protection Subdistrict
6. Lot Size: 38.2 Acres (Owned)
7. Affected Waterbody: Second Roach Pond, is a Resource Class 1B undeveloped accessible lake with significant scenic and fishery resources.
8. AMC's property was developed with a lakefront pre-Commission Commercial Sporting Camp.

Background

9. On June 20, 2014, the Commission approved Development Permit DP-4954 to reconstruct the lakefront pre-Commission Commercial Sporting Camp. The facility, known as the Medawisla Sporting Camp, is accessed from a series of land management roads that provide vehicular access to

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an unimproved driveway that goes through the site and dead ends at the rock dam on Second Roach Pond (cross reference Development Permit DP 4954 for the full Administrative History). DP 4954 approved the following reconstruction:

Principal Buildings (Footprints & Floor Area)

Reconstruct Main Lodge (20' x 40') with Porch (20' x 8') & Deck (20' x 8');
Reconstruct Cabin #1 (16' x 20') with Porch (16' x 5') & Bath (9.2' x 4');
Reconstruct Cabin #2 (20' x 24') with Bath (9.2' x 4');
Reconstruct Cabin #3 (20' x 24') with Bath (9.2' x 4');
Reconstruct Cabin #4 (20' x 24') with Bath (9.2' x 4');
Reconstruct Cabin #5 & Convert to Bunkhouse #1 (24.5' x 32.5');
Demolish & Remove Existing Cabin #6;
Demolish & Remove Existing Cabin #7; and

Accessory Structures (Footprints & Floor Area)

Reconstruct Barn & Convert to Bath House (21' x 34.7');
Demolish & Remove Existing Pole Barn (31' x 25');
Demolish & Remove Existing Generator Shed (36' x 10') & Fuel Storage (9' x 16');
Demolish & Remove Existing Kindling Shed (8' x 6');
Demolish & Remove Existing Chicken Coop (8' x 7');
Demolish & Remove Existing Generator Shed (36' x 10') & Fuel Storage (9' x 16');
Demolish & Remove Existing Shed (9' x 8');
Demolish & Remove Existing Firefighting Shed (5' x 5');
Remove Existing Propane Tanks (Four);
Maintain Existing Boat Shed (7' x 4'); and

Sewage Disposal

Demolish & Remove Existing Privies (3) serving the Cabins & Lodge;
Replace and Upgrade Subsurface Sewage Disposal System (1,534 GPD).

10. On June 10, 2015, the Commission approved the Zoning Petition ZP 750 to rezone 38.2 acres to Recreation Facility Development Subdistrict (D-RF) to allow a new Level D-Expanded Access Recreational Lodging Facility. The proposed facility would be an expansion of the Medawisla Commercial Sporting Camp Facility approved for reconstruction pursuant to Development Permit DP 4954 on June 20, 2014.

Proposal

11. AMC proposes to revise some of the dimensions for the structures approved for reconstruction pursuant to DP 4954 and construct a new phase of development to expand the facility to a Level D, Expanded Access Recreational Lodging Facility. The proposed site plans are shown on 17 sheets prepared by LDa Architects, LLP and Colby Company Engineering dated July 2, 2015, entitled "AMC Medawisla-Second Roach Pond, T1 R12 WELS & TA R12 WELS, Piscataquis County, Maine-Site Permitting". Building dimensions and architectural plans for the facility are shown on multiple sets of plans in 49 sheets prepared by LDa Architects, LLP and included as a separate section of the application binder. The proposed structures, including the structures previously approved and structures previously approved but now revised are listed below. The total floor area for principal structures is approximately 19,359.5 square feet (sf).

Principal Buildings Former Medawisla Site (Footprints & Floor Area)

Pavilion (former lodge) (20' x 40') with Porch (15' x 8') & Deck (20' x 8'), 1,080 sf floor area;
Waterfront Cabin #1 (16' x 20') with Porch (16' x 5'), 400 sf floor area;
Waterfront Cabin #2 (20' x 24') with Porch (20' x 6') 600 sf floor area;
Waterfront Cabin #3 (20' x 24') with Porch (20' x 6'), 600 sf floor area;
Waterfront Cabin #4 (20' x 24') with Porch (20' x 6'), 600 sf floor area;
Waterfront Cabin #5 Convert to Bunkhouse (24' x 36), 864 sf floor area;
Waterfront Cabin #6 (ADA) (24' x 20') with Porch (20.5 x 6'), 615 sf floor area;
Waterfront Cabin #7 (20' x 24') with Porch (20' x 6'), 600 sf floor area;
Bath House (former barn site) (30' x 21.3') with Porch (7' x 21.3') 786.3 sf floor area;
Caretaker Cabin (24' x 20') with Porch (24' x 6'), 624 sf floor area;
Staff Cabin 1st flr (32' x 24'), 2nd flr (32' x 24'), Basement (11.3' x 24'), Deck (24' x 8'), 1,998 sf floor area; and
Manager Cabin (20' x 24') with Porch (20' x 6'), 600 sf floor area.

Principal Buildings Hill Top Site (Footprints & Floor Area)

New Lodge (122' x 68' x 29.8' high, irregular shaped), 5,083 sf floor area;
Hill Top Cabin (Bunk House) #1 (36' x 24'), 864 sf floor area;
Hill Top Cabin (ADA) #2 (28.6' x 24'), 685.2 sf floor area;
Hill Top Cabin #3 (28' x 24'), 672 sf floor area;
Hill Top Cabin #4 (28' x 24'), 672 sf floor area;
Hill Top Cabin #5 (28' x 24'), 672 sf floor area;
Hill Top Cabin #6 (28' x 24'), 672 sf floor area;
Hill Top Cabin #7 (28' x 24'), 672 sf floor area;

Accessory Structures (Footprints & Floor Area)

Wood Shed 1 (16' x 16');
Wood Shed 2 (16' x 16');
Wood Shed 3 (16' x 16');
Generator Shed (7.2' x 3.3');
Barn-2 floors (30' x 30' x 24' high); and
Maintain Existing Boat Shed (7.4' x 4.2'); and

Sewage Disposal

1,000 Gallon Pit Toilet by Parking Lot (5' x 5');
1,000 Gallon Pit Toilet by Barn (5' x 5');
Subsurface Sewage Disposal System #1 Eljen 85 Type B GSF Units (1,445 GPD);
Subsurface Sewage Disposal System #2 Eljen 65 Type B GSF Units (900 GPD); and
Subsurface Sewage Disposal System #3 Eljen 140 Type B GSF Units (1,941 GPD).
Each Subsurface Sewage Disposal System has a designated area for a replacement bed.

13. *Recreational Lodging Facility Factors.* The Applicant submitted Supplement S-6, which provides information relevant to the categorization of the recreational lodging facility. In that supplement, the Applicant indicated:

- (1) *On-site recreation activities, features, and/or services.* The Applicant states that the facility will offer non-motorized recreational activities such as canoeing, kayaking, swimming, hiking, cross-country, skiing, mountain biking and wildlife watching. Some shuttle services may be offered to and from the Greenville area or AMC's other wilderness camps. Guided nature tours may also be offered. The camps will be open in winter and the staff may use snowmobiles to access the site, but there will be no other snowmobiles allowed. ATVs will not be allowed on the property. Occasionally, large groups such as school classes or company outings may use the facilities during the day. AMC anticipates that the most noise will be made by the collective voices of these groups. Otherwise, the most noise will come from the occasional use of a generator, which will be housed in a sound-dampened enclosure.
- (2) *Utilities.* Utilities are not present onsite.
- (3) *Floor area of principal buildings.*
 - a) The floor area of all principal buildings is 19,359.5 square feet.
- (4) *Clearing footprint within 250 feet of waterbodies.* Existing: 93,981 square feet. Proposed additional: 48,132 square feet. Total: 142,113 square feet.
- (5) *Retail Space.* Less than 100 square feet; available to guests.
- (6) *Dining amenities.* Available to guests.
- (7) *Fuel sales.* There will be no fuel sales at the facility.
- (8) *Recreation activities, features, and/or services.* Available to guests and to the public.
- (9) *Overnight occupancy.* The overnight occupancy of the facility is eighty-two (82) persons.

14. *Special Exception Criteria.* To satisfy the special exception criteria, the Applicant stated the redeveloped Medawisla facility will accommodate, at most, 72 guests and 10 staff. The previous facility accommodated 30 guests and 8 staff, so the proposed facility will attract an additional 44 people at peak occupancy (the average number of guests is anticipated to be 25). The facility is accessed from Greenville via the Lily Bay Road (a public road), and the Smithtown Road. From the north, Medawisla is accessed via the Sias Hill Road and the Smithtown Road. Both the Sias Hill Road and the Smithtown Road are owned by Plum Creek with a right-of-access owned by the AMC. These roads are 20 feet wide with a 60-foot right-of-way. It is 5.7 miles to the Medawisla driveway over the Smithtown Road.

The Applicant states that the modest additional traffic generated by the expanded facility will easily be accommodated by the Smithtown Road, and will not negatively impact Plum Creek's or the AMC's forest management activities. The Applicant has provided a letter from Luke Muzzy, Senior Land Asset Manager for Plum Creek confirming this. The Applicant also states that recreation use in the surrounding area should not be affected by the additional traffic. The Smithtown Road has been used for forest management for many years, so recreational users and forest management have coexisted for a long time.

The Applicant states that resources of the area – fisheries, wildlife habitat, scenery, water quality, and public land (the Nahmakanta Unit) - will not be adversely affected by the increased traffic. The Smithtown Road only crosses surface waters at the Roach River upstream from First Roach Pond. The Applicant states that additional traffic will not affect the water quality, and the AMC does not anticipate a significant increase of fishing pressure on the river as a result of this development and that the Maine Department of Inland Fisheries and Wildlife fishing regulations are applicable on the Roach River. The Applicant states there are no anticipated impacts on wildlife habitat or scenic views due to

increased traffic on Smithtown Road. Cars and trucks will be few enough and travelling slowly enough so that there will be no noticeable increase in dust or noise, and animals in the road can be avoided.

Finally, the Applicant states there will be no impacts to access to the Nahmakanta Public Reserve Unit due to the increased traffic on the Smithtown Road. While Nahmakanta can be accessed via Smithtown Road and the Nahmakanta Road, the unit's facilities are located in the eastern and northern areas of the unit and can be better accessed via other roads. The ITS Trail 85/86 runs over the North Shore Road along First Roach Pond and then to the north of Second Roach Pond and across the Nahmakanta Unit. The Applicant indicates there will be no impacts to snowmobilers on this route due to increased traffic to and from Medawisla as the snowmobilers would only cross the Smithtown Road at one point, west of Second Roach Pond.

15. *Demonstration of no Overall Increase in Visual Impact.* To demonstrate that the overall visual impact of the facility will not increase as a result of the creation or enlargement of clearings, or from the development or uses located within those clearings the Applicant states when Medawisla Wilderness Lodge was first built in 1953, all the buildings were located on the low ground near the two dams on the outlet to Second Roach Pond. As was typical for sporting camps of the time, much of the area around the buildings was cleared and maintained as lawn, with a few trees left for shade and visual interest. This afforded a fairly unobstructed view to the water from the camps and vice versa. Along the hill to the east of the waterfront development, the only clearing was the old logging road, known as the Yoke Pond Road. To the north of this road is Second Roach Pond, and to the south is an emergent wetland; the hillside itself has not been logged in recent memory, and has a mature over-story and dense understory.

The Applicant also states the existing facilities are partially screened, and proposed facilities will be fully screened from Second Roach Pond and the Roach River by trees, shrubs, and a small island adjacent to the property. It is expected that people boating or fishing from or near the dams will be close to the facilities and may be able to see some buildings but that none of the facilities will be seen from the road or neighboring properties. The natural vegetation will be allowed to grow up along the waterfront, lessening the views of the structures in that area over time.

The application includes photos illustrating the amount of vegetation in the waterfront area and the views from there to the water as well as views from the proposed sites for Hilltop Cabin 5 and the new Lodge building toward Second Roach Pond. The Applicant has provided aerial imagery with an overlay depicting existing cleared area and proposed cleared areas and distinguishing which cleared areas are within 250 feet of the shoreline.

The Applicant has provided an analysis of the visual impact from the proposed development as viewed from Second Roach Pond. This analysis includes a plan view depicting sight lines from the north through the wooded buffer along the shoreline to the point where new clearing is proposed. The Applicant has provided photographs of the shoreline and hillside at the proposed development site from the north shore of the Second Roach Pond outlet and views of the sites of the proposed lodge and the proposed cabins from 245 and 300 feet, respectively, off the shoreline of Second Roach Pond. The analysis also includes cross section diagrams showing existing and proposed conditions along a transect from the pond to each of the two selected development sites. These diagrams depict detailed information about the trees and understory along the transect including the average height of the trees and the depth of the buffer, the slope and topography of the land, the proposed height of the structural

development, and the size and location of the proposed clearing. They also illustrate the perspective one would have viewing the clearing and structural development from the pond 300 feet off the shoreline.

16. The site would not be located within either 2 miles of a public road or within 10 miles Greenville.

Review Criteria

17. Under the provisions of Section 10.02 #33 of the Commission's Land Use Districts and Standards a **Commercial Sporting Camp** is a "building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling." 12 M.R.S.A. §682(14). In addition, for the purposes of the application of the Commission's rules, the term "commercial sporting camp" shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than as a transient development unit or as a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and typically consists of, but does not have to include, all of the following: a number of cabins for the housing of guests, including but not limited to housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are not a part of commercial sporting camp facilities. Guests of outpost cabins may use the services of the commercial sporting camp whether or not the commercial sporting camp is permitted for expanded access (Section 10.27,Q,1).
18. Under the provisions of Section 10.02 #173 of the Commission's Land Use Districts and Standards, **Recreational Lodging Facilities** are defined as: Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing. To be included in a recreational lodging facility, rental units must be served by an on-site attendant while guests are present. Related development that is located more than one half mile, measured in a straight line, from the nearest structure providing guest services, such as dining, gathering places, retail shower house, dumping station, check-in office, and equipment rental shall be considered a separate facility, unless the owner chooses to consider them as one facility. Caretaker or attendant housing will not be used to establish the one half mile distance unless no other guest services are provided. If no guest services are provided then all development on the regulatory parcel shall be considered part of the same facility and may be part of a facility on an adjoining parcel. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are divided into five levels: [Levels A through E] ...

Level D Facilities have moderate to high impacts on existing resources within the development site and surrounding areas. Level D facilities may provide limited on-site goods and/or services to meet the needs of guests, though these are not of a type, scale or design intended to meet the goods and services needs of the public at large that is not an overnight guest. The standards for these facilities are designed to allow larger-scale development while conserving the natural resource and recreation values of the

development site and surrounding areas. Level D facilities are specifically designated by *Ch. 10.27, Q, 1* of the Commission's Standards. A Level D facility characterized by any of the factors in *Ch. 10.27, Q, 1, Table B* of the Commission's Standards is referred to as a "Level D – Expanded Access" facility. A Level D facility may be located in a geographic allowance area as provided in *Ch. 10.27, Q, 3* of the Commission's Standards.

19. Under provisions of Section 10.11,C,2,b of the Commission's Land Use Districts and Standards, the maximum height of all structures within 100 feet horizontal distance from the normal high water mark of bodies of standing water greater than 10 acres shall be 25', or the height of the existing structure, whichever is greater.
20. Under provisions of Section 10.11,C,2,e of the Commission's Land Use Districts and Standards, a legally existing, nonconforming structure within a commercial sporting camp may be reconstructed in place, provided that the reconstruction occurs within 2 years of damage, destruction or removal and the Commission issues a permit [see 12 M.R.S.A. §685-B(7-A)]. The Commission may, consistent with public health, safety and welfare, waive standards that made the original structure nonconforming. The reconstructed structure must replicate the original structure and use to the maximum extent possible and it must be in the same location and within the same footprint as the original structure, unless the structure is relocated in accordance with Section 10.11,C,3. Minor modifications to dimensions to the structure, including the combining of multiple structures on one lot may be allowed provided the total square footage of the structure or structures is not increased and conforms with Section 10.11,C,1,b.
21. Under the provisions of Section *10.21,I,1* of the Commission's Land Use Districts and Standards, the purpose of the D-RF subdistrict is to allow for development of moderate intensity recreation facilities in locations that would not be suitable for other types of commercial development. Moderate intensity recreation facilities often rely on, and are compatible with, settings which are distant from existing patterns of development, but are relatively accessible to visitors. Such development may be appropriate in locations that provide access to recreational opportunities that are not overly sensitive to increased public use but are not present in developed areas. The D-RF Subdistrict is designed to allow for the location of moderate intensity recreation facilities in areas that are distant from other development, but where the location of such a facility would; not unreasonably interfere with existing uses such as forestry and agriculture activities, fish and wildlife habitat or other recreation opportunities; and will not substantially increase the demand for public services in areas that are distant from existing patterns of development.
22. Under the provisions of Section *10.21,I,3,d,(1),(b))* of the Commission's Land Use Districts and Standards, Level D – Expanded Access Recreational Lodging Facilities may be allowed within a D-RF subdistrict as a special exception, upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III of the Commission's Standards, provided that the Applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected.

23. Under provisions of Section 10.26,D,1&2 of the Commission's Land Use Districts and Standards, all those structures within the recreational lodging facility constructed solely for the housing of guests must be set back a minimum of 100 feet from the normal high water mark of a body of standing water 10 acres or greater in size, at least 50 feet from the traveled portion of all roadways and at least 15 feet from side and rear property lines. All other structures within the recreational lodging facility, must be set back a minimum of 150 feet from the normal high water mark of a body of standing water 10 acres or greater in size, at least 75 feet from the traveled portion of all roadways and at least 25 feet from side and rear property lines.
24. Under provisions of Section 10.26,F,2 of the Commission's Land Use Districts and Standards, structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater shall be no higher than 30 feet.
25. Under provisions of Section 10.27,Q of the Commission's Land Use Districts and Standards, All new recreational lodging facilities, and reconstruction of or substantial improvements to existing recreational lodging facilities, must be developed in conformance with the standards of this section or in accordance with other applicable provisions of this Chapter. If the requirements in the standards below are at variance with the requirements of any other provisions of this Chapter, or other lawfully adopted rules, regulations, standards, or ordinances, the more protective of existing natural, recreational and historic resources shall apply.
26. Under the provisions of Section 10.27,Q,1, of the Commission's Land Use Districts and Standards, the term "clearing" means an opening in the forest canopy, measured from the remaining crown or canopy, in an area that was once, but is no longer forested. Clearing includes but is not limited to areas that may now contain or be used for roads, parking, lawn, structures, or subsurface wastewater disposal systems. Land areas that are naturally devoid of trees or naturally consisting of sparse trees are not included in "clearing," unless human intervention is required to maintain this state (e.g., burning, mowing).
27. Under the provisions of Section 10.27,Q,5,b of the Commission's Land Use Districts and Standards, recreational lodging facilities may create or enlarge clearings within 250 feet of the shoreline regardless of the limits in Section 10.27,Q,1, Table A or the provisions of Section 10.27,Q,5,a, provided the Applicant demonstrates that the overall visual impact of the facility will not increase as a result of the creation or enlargement of clearings, or from the development or uses located within those clearings.
28. Under the provisions of Section 10.27,Q,1, Table A and B of the Commission's Land Use Districts and Standards, the applicable Level D – Expanded Access recreational lodging facilities factors for this proposal include the following:
 - a) on-site recreation activities, features, and/or services as defined in Ch. 10.02,167 that produce some noise, odor and are partially screened;
 - b) may be served by public utilities and/or indoor plumbing;
 - c) up to 20,000 square feet of principal buildings;
 - d) up to 90,000 square feet of clearing footprint within 250 feet of Second Roach Pond;
 - e) up to 500 square feet of retail or not more than 10% of the floor area of the principal buildings, whichever is larger (*Expanded Access Adjustment*);
 - f) dining amenities, fuel sales, and recreation activities, features and /or services as defined in Ch. 10.02,167, which are available to guests and the public (*Expanded Access Adjustment*); and
 - g) overnight occupancy for up to 400 persons (*Expanded Access Adjustment*).

Review Comments

29. The Maine Natural Areas Program has reviewed the application and indicates that there are no rare botanical features documented specifically within the project area.
30. The Maine Department of Inland Fisheries and Wildlife has reviewed the permit application and has no concerns for fisheries or wildlife.
31. The Maine Historical Preservation Commission has reviewed the application and based on the information submitted, concluded that there would be no historic properties affected by the proposed undertakings.
32. The Maine State Soil Scientist has reviewed the permit application and has no objections. He recommends the use of soil erosion and sediment control measures adequate for the proposed level of construction and recommends limiting the use of heavy equipment to a time of year when roads and soils are reasonably stable and not saturated.
33. The Maine Bureau of Parks and Lands has reviewed the permit application for consistency with the Conservation Easement and has made no recommendations.
34. The Division of Health Engineering has reviewed the permit application and found the HHE-200 Forms dated 6/8/2015 (Field #1), 6/17/2015 (Field #2) & 6/17/2015 (Field #3) prepared by Stephen H. Howell, S.E. meet the requirements of Subsurface Wastewater Disposal Rules for the proposed use.
35. The facts are otherwise as represented in the application for Amendment A to Development Permit DP 4954, and supporting documents.

Analysis and Discussion

36. Within 250 feet of the shoreline existing cleared area is 93,981 square feet and the proposed additional clearing is 48,132 square feet for a total of 142,999 square feet. This exceeds the amount of clearing recreational lodging facilities may create within 250 feet of the shoreline as set out in Section 10.27,Q,1, Table A and therefore requires the Applicant demonstrate that the overall visual impact of the facility will not increase as a result of the creation or enlargement of clearings, or from the development or uses located within those clearings. Section 10.27,Q,5,b.

The Applicant has provided materials and a narrative that demonstrate that the overall visual impact of the facility will not increase as a result of the creation of the proposed clearings or from the proposed development located within those clearings. The transect diagram, the site plans, the photos of the site, and the aerial imagery provide a detailed depiction of the existing vegetated buffer and shows that little, if any, portion of the proposed structural development would be visible from a viewing distance 300 feet out on Second Roach Pond. The vegetated buffer has a dense stand of relatively mature trees and a relatively dense and varied understory. Furthermore, the topography, existing vegetation and distances

to potential viewpoints are such that little if any of the development or new clearing would be visible from anywhere on the lake.

Additionally, the proposed building materials are not out of character and will help the structural development blend into the surrounding setting. The buildings have been sited within clearings and the landscape so as to minimize their visibility from Second Roach Pond. The transect diagram demonstrates that the peaks of proposed buildings will not be visible over the post-development tree canopy. The development site has relatively gentle average slopes (less than 10%) which as described in Section 10.27, Q,5 increases the likelihood that the vegetative buffer will be effective in screening evidence of the clearing or development from the lake. Based on the diagram, the site plans, the photos of the site, the aerial imagery, and the narrative descriptions, the proposed clearing and development would not increase the overall visual impact when viewed from the water or the shore.

Moreover, the cleared area of the existing portion of the facility will not be enlarged and the natural vegetation will be allowed to grow up along the waterfront, resulting in increased screening over time of the new development from the water and shoreline in that portion of the facility.

37. Historically the Medawisla facility accommodated 30 guests and 8 staff, and successfully operated in and was compatible with the area. The redeveloped facility will accommodate, at most, 72 guests and 10 staff – an increase that the site and the surrounding area can readily absorb. The average number of guests is anticipated to be 25. The lake, although high-value, has a rating that indicates that use by a level D recreational lodging facility is appropriate. Therefore, the Commission concludes that the use can be buffered from those other uses within the subdistrict with which it is incompatible.

The facility is accessed from Greenville via the Lily Bay Road (a public road), and the Smithtown Road. From the north, Medawisla is accessed via the Sias Hill Road and the Smithtown Road both of which are owned by Plum Creek with a right-of-access owned by the AMC. These roads are 20 feet wide with a 60-foot right-of-way. The additional traffic generated by the expanded facility may be accommodated by the existing road network and will not negatively impact forest management activities or recreation use in the area. Most traffic to the facility will travel on the Smithtown Road which has been used for forest management, recreation access, and as the primary route to Medawisla for many years. The existing road system has successfully accommodated these multiple uses for a long time and can accommodate expected day use traffic and traffic associated with overnight occupancy of the proposed facility.

The resources of the area – fisheries, wildlife habitat, scenery, water quality, and public land - will not be adversely affected by the increased traffic. The Smithtown Road only crosses surface waters at the Roach River upstream from First Roach Pond and any additional traffic will not affect the water quality or lead to a significant increase of fishing pressure on the river. Vehicle trips will remain relatively low and at speeds that will not significantly increase dust, noise, or animal encounters. Wildlife habitat and scenic views will not be affected from any increased traffic on Smithtown Road.

The Nahmakanta Public Reserve Unit may be accessed via Smithtown Road. However the unit's facilities are located in the eastern and northern areas of the unit and are relatively far from the Medawisla facility and better accessed via other roads. Traffic accessing Medawisla will not add any significant traffic to the Nahmakanta area and will not interfere with traffic or motorized use going to or from Nahmakanta. The ITS Trail 85/86 runs over the North Shore Road along First Roach Pond and

then to the north of Second Roach Pond and across the Nahmakanta Unit. There will be no impacts to snowmobilers on this route due to increased traffic to and from Medawisla as the snowmobilers would only cross the Smithtown Road at one point, west of Second Roach Pond.

Though offering some day use recreation activities, features and services to the public, the facility is not expected to draw substantial additional day use traffic over the road system. Non-motorized recreation users such as cross-country skiers, paddlers, mountain bikers and hikers are expected to be the public who will visit the facility for recreation activities and services being offered to the public. Any added use of the trails for these activities in the area will not exceed the capacity of the trail system and the lake can readily accommodate the anticipated level of use.

38. Lake classification is an important consideration in evaluating where expanded access facilities are appropriate under the Commissions standards, particularly whether a lake is rated as remote, inaccessible or undeveloped. As stated in Finding #7, the facility is located on Second Roach Pond, a management class 7, Resource Class 1B (lakes of statewide significance) undeveloped accessible lake with significant scenic, cultural, physical, and fishery resources. While the lake is rated high value for these resources, recreational lodging operations are compatible in settings with these resources. Marketing of Medawisla will focus on paddling, hiking, and biking with less focus on fishing. Generally, current use of the area is mainly concentrated in the spring fishing season, including smelt fishing at the inlet to Second Roach Pond. The recreational resources in this area are not overly sensitive to increased public use and the increased usage from the proposed development will not adversely impact the resources of Second Roach Pond. The facility has historically been operated in a manner compatible with the lake and without known problems.

Based upon the above Findings, the Commission, through its staff, concludes:

1. The facility, including the proposed construction and change of use, meets the definition of a Recreational Lodging Facility under Section 10.02 of the Commission's Standards because the site and facility will:
 - a) be used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes;
 - b) primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based;
 - c) be served by an on-site attendant while guests are present; and
 - d) include or be similar to commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing.
2. In accordance with Section 10.27,Q,1, Tables A and B, of the Commission's Standards, the facility, constitutes a Level D Expanded Access Recreational Lodging Facility. Specifically, the construction

and expansion of the Medawisla facility to a Level D Recreational Lodging Facility meets all applicable standards for construction and expansion and is consistent with Tables A and B.

While the total cleared area (including existing and proposed) within 250 feet of the shoreline of Second Roach Pond is stated to be 142,113 square feet, level D facilities may exceed the 90,000 square feet of clearing called for in Table A if the applicant demonstrates that the overall visual impact of the facility will not increase as a result of the creation or enlargement of clearings, which the Applicant has done (see Finding #36). The stated floor area for all principal buildings upon completion is approximately 19,359 square feet, which is less than the maximum 20,000 square feet allowed for a Level D Facility. The limited retail sales would total less than the 10 % of the floor area of principal buildings allowed. The recreational activities offered would be non-motorized recreational activities such as canoeing, kayaking, swimming, hiking, cross-country skiing, mountain biking and wildlife watching along with some shuttle services, guided nature tours, large group day outings for school classes or companies. The total overnight occupancy would be less than the 400 maximum allowed in a Level D Expanded Access Facility.

3. The proposal will meet the special exception criteria of Section 10.21,C,3,d of the Commission's Land Use Districts and Standards Recreational Lodging Facilities Level D Expanded Access because the use can be buffered from other uses, there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility, and surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected. See Finding #37.
4. Because the Applicant is not proposing to develop the facility to the full extent of a Level D Expanded Access Recreational Lodging Facility, the Commission has not evaluated the potential impacts from a substantial increase in overnight occupancy beyond that proposed. Based on its evaluation and provided the Applicant complies with Condition #1, the Commission concludes that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility if it operates as a Level D Expanded Access facility as proposed, and that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected. As the Applicant proposes to operate the facility it will comply with Condition #1.
5. As previously authorized pursuant to Development Permit DP 4954, reconstruction of the Pavilion / Lodge in the same location within the original Medawisla Commercial Sporting Camp site is consistent with the provisions of Section 10.11,C,2,e and all other proposed construction and reconstruction within the entire Recreational Lodging Facility described under paragraph #11 meets the applicable Dimensional Requirements of Section 10.26.
6. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the Commission, through its staff, approves the application of AMC Maine Woods II with the following conditions:


1. Standard Conditions of Approval for all Development Permits (Version 2004 Attached).

2. Notwithstanding the overnight occupancy limit stated in Section 10.27, Q, 1, Tables A and B, of the Commission's Standards, the overnight occupancy limit of this facility shall be no more than 82 persons until such time as the Applicant requests an increase and supplies supporting information that such a change will meet the criteria for the subdistrict designation in effect at the time. The Commission incorporates this condition not because it finds that an overnight occupancy capacity of greater than 82 would not satisfy the Commission's Standards, but rather because the Commission has not considered the potential impact of overnight occupancy greater than 82.
3. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. All those structures within the recreational lodging facility constructed solely for the housing of guests must be set back a minimum of 100 feet from the normal high water mark (NHWM) of Second Roach Pond, at least 50 feet from all roads and at least 15 feet from other property boundary lines. With the exception of the reconstructed lodge / Pavilion, which may be set back a minimum of 120' from the NHWM and the existing boat shed, which may be maintained at 4' and/or reconstructed at 25' from the NHWM, all other structures within the recreational lodging facility, must be set back a minimum of 150 feet from the normal high water mark of Second Roach Pond, at least 75 feet from all roads and at least 25 feet from other property boundary lines. The access driveway that extends through the existing developed section of the Medawisla Wilderness Lodge site and the proposed driveway spur that provides access to the new Hill Top Recreational Lodging Facilities are not considered a roads and do not require setbacks. The normal high water mark, which delineates the limits of Second Roach Pond, extends down to the original log dam that separates the pond from Roach River.
5. The boat shed shall not exceed 25' in height, all other structures shall not exceed 30 feet in height.
6. Retail space shall not exceed 10% of floor area of principal buildings or 500 square feet, whichever is greater.
7. The materials removed during the reconstruction must be disposed of in accordance with the State of Maine Solid Waste Disposal Laws. Construction debris must not be disposed of in a wetland. All construction debris must be removed from the site upon completion of reconstruction activities.
8. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
9. Construction with heavy equipment shall occur during the time of year when roads and soils are reasonably stable and not saturated.

10. Once construction is complete, the permittee(s) shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
11. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
12. Exterior finishes of all structures shall be non-reflective and natural colors to blend with the natural surroundings and minimize any adverse visual impacts. The permittee may plant native vegetation to help visually screen the facility from the adjacent water body and surrounding lands.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS ELEVENTH DAY OF SEPTEMBER, 2015.

for:  Nicholas D. Livesay
Nicholas D. Livesay, Executive Director



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

**STANDARD CONDITIONS OF APPROVAL
FOR ALL DEVELOPMENT PERMITS**

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
8. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04